

Michael Faillace & Associates, P.C.

Employment and Litigation Attorneys

60 East 42nd Street, Suite 4510
New York, New York 10165

Granted. The Court concludes that there are questions of law and fact common to *Agapito v. AHDS Bagel LLC* (No. 16-CV-8170), *Patricio v. AHDS Bagel LLC* (No. 17-CV-4127), and *Neri v. Nussbaum* (No. 18-CV-8321). Further, no party opposes consolidation. Pursuant to Federal Rule of Civil Procedure 42(2), the Court therefore orders the consolidation of these three actions.

So ordered: 11/18/2019

VIA ECF

Hon. J. Paul Oetken
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007



J. PAUL OETKEN
United States District Judge

Re: Agapito, et al. v. AHDS Bagel LLC, et al.:
Case No. 16-cv-8170-JPO
Patricio, et al. v. AHDS Bagel LLC, et al.:
Case No. 17-cv-4127-JPO
Neri, et al. v. Nussbaum, et al.
Case No. 18-cv-8321-JPO

Dear Judge Oetken:

The parties write jointly to request that the above-referenced matters be consolidated, pursuant to Fed. R. Civ. P. 42(2).¹ The parties believe that this consolidation is appropriate, given that the cases involve common questions of law or fact, including whether plaintiffs were paid appropriately for overtime, received proper notices and wage statements, and whether Defendants were entitled to a tip credit as to delivery workers in all three actions. Further, consolidation is appropriate for purposes of settlement, as the parties plan to submit a global settlement agreement covering all three actions by November 15, 2019.

We thank the Court for its time and attention to this matter.

Respectfully Submitted,

/s/*Finn Dusenberry, Esq.*
Finn Dusenberry, Esq.
MICHAEL FAILLACE & ASSOCIATES, P.C.

Attorneys for Plaintiffs

/s/*Lawrence Morrison*
Lawrence Morrison, Esq.
MORRIS TENEBAUM, PLLC

Attorneys for Defendants

¹ The parties have filed a proposed stipulation to dismiss the claims of Plaintiff Jose Francisco Requelme Pliego in *Agapito, et al. v. AHDS Bagel LLC, et al.*, No. 16-cv-8170 (JPO).